REMARKS

Claims 1-9, 11-23, 25-41, and 43-50 are presented for prosecution. Claims 10, 24, and 42 are currently cancelled.

Claims 1-8, 17-22, 31-40 and 49-50 were rejected under 35 U.S.C. §103 as being unpatentable over Breish (U.S. Pat. 5,845,018) in view of Aikawa et al. (U.S. Pat. 6,317,221). Applicants had previously pointed out that Breish teaches against rescanning in a media transfer process while Aikawa requires rescanning. Applicants had thus previously argued that there is no incentive to combine the Breish and Aikawa references since Breish's teaching are in direct conflict with the teaching of Aikawa. The Office Action responded to this argument by noting that Breish states, "The present invention is directed to a method and apparatus for scanning multiple images located on a first medium so that they can be automatically stored onto a second medium with a high degree of accuracy and reliability, without the need for highly skilled operators to relocate and rescan images of the first medium which were improperly scanned or missed entirely (col. 2, lines 40-47)". The Office Action then asserted that since Breish mentions avoiding rescanning by highly skilled operators, Breish does not teach against rescanning but merely shies away from rescanning to avoid the cost of using highly trained operators. Applicants respectfully disagree.

Firstly, Applicants point out that the excerpt cited by the Office Action (noted above) is a negative statement against rescanning, irrespective of whether the operator doing the rescanning is highly skilled, or not. Furthermore, the cited excerpt clearly states that Breish's objective is to avoid (i.e. prevent) rescanning. This is born out by Breish's stated process, which *does not permit rescanning*.

That is, not only does the Breish process not provide the option to rescan, the Breish process explicitly excludes rescanning. Breish's process is generally listed in col. 4, line 65 to col. 5, line 65, and basically consists of a set-up phase followed by an automated phase. In the set-up phase, a user views a scan of sample microfiche film on a monitor (Fig. 1) and manually enters boundary lines

using a keyboard or mouse. The main process then begins wherein the scanner makes high resolution scans of subsequent microfiche film (all areas are scanned, including areas with and without microfiche film). The manually entered boundary lines are used as expected boundary lines shown on a monitor and superimposed on the high resolution scans. Breish explains that by viewing the expected boundary lines superimposed on the high resolution scans, a user (highly skilled or otherwise) at a quality assurance station can easily determine if the expected boundary lines correspond correctly to the actual microfiche images. If they do not, then the user can manually adjust the boundary lines on the monitor by using a keyboard or mouse, and the adjusted boundary lines are used on subsequent scans of new microfiche film. Breish explains that in his prior art, when the boundary lines did not match the microfiche scans, a highly skilled person previously had to be called to re-set the scanner and microfiche holding trays, but that his process eliminates rescanning since all corrections are made on the high resolution scans by means of the monitor and keyboard, or mouse. Specifically, Breish states, in col. 5, lines 42-52,

> "In accordance with a significant aspect of the present invention, when the user adds or adjusts boundaries of a particular image which were not properly recognized at the scanning device, the image data which would have been cut, cropped or misfed need not be rescanned. Rather, because the individual images were scanned with high resolution in blocks, the high resolution image data buffered in storage device 120 merely needs to be resegmented into appropriate images and correlated to the proper boundary data as verified at the quality assurance station".

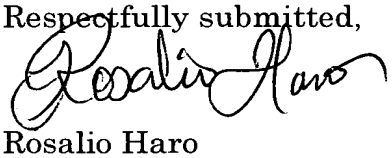
From the above excerpt, it is clear that Breish's process does not permit rescanning. That is, Breish is not shying away from rescanning, or merely suggested that rescanning should be avoided, Breish's process completely eliminates rescanning and does not permit rescanning. If one were to applying rescanning to Breish's process, then the boundary lines would no longer be corrected at his quality assurance station by means of a monitor and keyboard/mouse. Thus, Breish's process would cease to function for its intended purpose. It would no longer be eliminating rescanning, and his quality assurance station would no longer be used. Therefore, Applicants reiterate that

Breish teaches directly against rescanning, and Applicants respectfully reassert that there is no incentive to combine the teachings of Breish (which teach against rescanning of selective blocks (i.e. microfiche images having erroneously boundary lines)) with the teachings of Aikawa et al, which require rescanning of selective blocks.

Nonetheless, in an interview with Examiner Edwards, it was agreed the none of the cited prior art teach that the low-resolution digital representation is an RGB color representation, and that only the R data is applied to a smoothen filter. Examiner Edwards suggested that if this limitation were to be incorporated into the independent claims, he would reconsider their patentability. In accordance with the Examiner's suggestion, independent claims 1, 5, 19, 33, and 37 have been amended to incorporate this limitation. Subsequently, dependent claims 10, 24, and 42, which previously recited this limitation, have been cancelled. Additionally, dependent claims 11, 25, and 43 have been amended to maintain a proper antecedent basis with the amended independent claims.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration of the present application.

Respectfully submitted,



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